

1 AN ACT in relation to criminal law.

2 Be it enacted by the People of the State of Illinois,
3 represented in the General Assembly:

4 Section 5. The Counties Code is amended by changing
5 Section 3-6019 as follows:

6 (55 ILCS 5/3-6019) (from Ch. 34, par. 3-6019)

7 Sec. 3-6019. Duties of sheriff; office quarters and
8 hours.

9 (a) Sheriffs shall serve and execute, within their
10 respective counties, and return all warrants, process, orders
11 and judgments of every description that may be legally
12 directed or delivered to them. A sheriff of a county with a
13 population of less than 1,000,000 may employ civilian
14 personnel to serve process in civil matters.

15 (b) When the court issues any arrest warrant, including
16 but not limited to, (i) a warrant issued under this Section,
17 (ii) a warrant issued under Section 110-3 of the Code of
18 Criminal Procedure of 1963 or Section 5-6-4 of the Unified
19 Code of Corrections, (iii) warrants upon indictment or
20 matters of body attachments, (iv) contempt warrants or
21 warrants of a similar nature, and (v) warrants of every other
22 description, the clerk of the court issuing the warrant
23 shall, on the same day in which the warrant is issued,
24 transmit the arrest warrant to the sheriff of the county.
25 The sheriff may delegate the responsibility for receiving
26 warrants to another law enforcement agency through an
27 intergovernmental agreement. This subsection does not apply
28 to Cook County.

29 (c) Sheriffs shall be solely responsible for the service
30 and execution all arrest warrants issued by the court,
31 including but not limited to, (i) warrants issued under this

1 Section, (ii) warrants issued under Section 110-3 of the Code
2 of Criminal Procedure of 1963 or Section 5-6-4 of the Unified
3 Code of Corrections, (iii) warrants upon indictment or
4 matters of body attachments, (iv) contempt warrants or
5 warrants of a similar nature, and (v) the responsibility for
6 warrants of every other description. The sheriff may
7 delegate servicing and executing warrants to another law
8 enforcement agency through an intergovernmental agreement.
9 This subsection does not apply to Cook County.

10 (d) Sheriffs shall enter each felony and Class A and B
11 misdemeanor warrant received from the clerk of the court,
12 including but not limited to, (i) warrants issued under this
13 Section, (ii) warrants issued under Section 110-3 of the Code
14 of Criminal Procedure of 1963 or Section 5-6-4 of the Unified
15 Code of Corrections, (iii) warrants upon indictment or
16 matters of body attachments, (iv) contempt warrants or
17 warrants of a similar nature, and (v) warrants of every other
18 description into the Law Enforcement Agencies Data System
19 (LEADS) as soon as possible after receiving the warrant. A
20 warrant must be entered into LEADS within 5 working days
21 after the sheriff receives the warrant. The sheriff may
22 delegate the responsibility for entering warrants into LEADS
23 to another law enforcement agency or the clerk of the court
24 through an intergovernmental agreement. This subsection does
25 not apply to Cook County.

26 (e) Each county board must establish a Fugitive
27 Expenditure Fund to receive moneys from clerks of court
28 pursuant to Section 110-7 of the Code of Criminal Procedure
29 of 1963. Those moneys shall be used for payments of costs
30 incurred by the sheriff, directly or indirectly, related to
31 the execution of warrants, including the investigation,
32 apprehension, and transportation of intra-county,
33 intra-State, and interstate fugitives or for any other
34 services deemed necessary by the sheriff to provide for the

1 processing of warrants. Those moneys shall be collected in
 2 the same manner as other cost set forth in Section 110-7.
 3 This subsection does not apply to Cook County.

4 (f) Each sheriff shall keep and maintain his or her
 5 office at the county seat of the county for which he or she
 6 is the sheriff, and shall in counties having a population of
 7 less than 500,000 keep his or her office open and attend to
 8 the duties thereof from 8 o'clock in the forenoon to 5
 9 o'clock in the afternoon of each working day, excepting such
 10 days and half days as, under any law, are or may be legal
 11 holidays, or half holidays. The hours of opening and closing
 12 of the office of the sheriff may be changed and otherwise
 13 fixed and determined by the county board of such county. Such
 14 action taken by the county board shall be by an appropriate
 15 resolution passed at a regular meeting.

16 (Source: P.A. 86-962; 86-1028.)

17 Section 10. The Criminal Code of 1961 is amended by
 18 changing Section 32-10 as follows:

19 (720 ILCS 5/32-10) (from Ch. 38, par. 32-10)

20 Sec. 32-10. Violation of bail bond.

21 (a) Whoever, having been admitted to bail for appearance
 22 before any court of this State, incurs a forfeiture of the
 23 bail and willfully fails to surrender himself within 30 days
 24 following the date of such forfeiture, commits, if the bail
 25 was given in connection with a charge of felony or pending
 26 appeal or certiorari after conviction of any offense, a
 27 felony of the next higher ~~lower~~ Class ~~er--a--Class--A~~
 28 ~~misdemeanor-if-the-underlying-offense-was-a-Class--4--felony;~~
 29 or, if the bail was given in connection with a charge of
 30 committing a Class A or B misdemeanor, including Class A or B
 31 misdemeanor offenses of the Illinois Vehicle Code, or for
 32 appearance as a witness, commits a Class 4 felony ~~misdemeanor~~

1 of--the--next--lower--Class,--but--not--less--than--a--Class-C
2 misdemeanor.

3 (a-5) Any person who violates a condition of bail bond
4 by possessing a firearm in violation of his or her conditions
5 of bail commits a Class 4 felony for a first violation and a
6 Class 3 felony for a second violation.

7 (a-6) Any person who violates Section 110-10 or any
8 court ordered condition of bond commits, if the bail was
9 given in connection with a charge of a felony or a pending
10 appeal or certiorari of any offense, a felony of the next
11 higher class or, if the bail was given in connection with a
12 charge of committing a Class A or B misdemeanor, a Class 4
13 felony.

14 (b) Whoever, having been admitted to bail for appearance
15 before any court of this State, while charged with a criminal
16 offense in which the victim is a family or household member
17 as defined in Article 112A of the Code of Criminal Procedure
18 of 1963, knowingly violates a condition of that release as
19 set forth in Section 110-10, subsection (d) of the Code of
20 Criminal Procedure of 1963, commits a Class 4 felony for a
21 first violation and a Class 3 felony for a second violation
22 Class-A-misdemeanor.

23 (c) Whoever, having been admitted to bail for appearance
24 before any court of this State for a felony, Class A
25 misdemeanor or a criminal offense in which the victim is a
26 family or household member as defined in Article 112A of the
27 Code of Criminal Procedure of 1963, is charged with any other
28 felony, Class A misdemeanor, or a criminal offense in which
29 the victim is a family or household member as defined in
30 Article 112A of the Code of Criminal Procedure of 1963 while
31 on such release, must appear before the court before bail is
32 statutorily set.

33 (d) Nothing in this Section shall interfere with or
34 prevent the exercise by any court of its power to punishment

1 for contempt. Any sentence imposed for violation of this
2 Section shall be served consecutive to the sentence imposed
3 for the charge for which bail had been granted and with
4 respect to which the defendant has been convicted, regardless
5 of the order for which the judgments of conviction are
6 entered.

7 (Source: P.A. 91-696, eff. 4-13-00.)

8 Section 15. The Code of Criminal Procedure of 1963 is
9 amended by changing Sections 107-9 and 110-7 as follows:

10 (725 ILCS 5/107-9) (from Ch. 38, par. 107-9)

11 Sec. 107-9. Issuance of arrest warrant upon complaint.

12 (a) When a complaint is presented to a court charging
13 that an offense has been committed it shall examine upon oath
14 or affirmation the complainant or any witnesses.

15 (b) The complaint shall be in writing and shall:

16 (1) State the name of the accused if known, and if
17 not known the accused may be designated by any name or
18 description by which he can be identified with reasonable
19 certainty;

20 (2) State the offense with which the accused is
21 charged;

22 (3) State the time and place of the offense as
23 definitely as can be done by the complainant; and

24 (4) Be subscribed and sworn to by the complainant.

25 (c) A warrant shall not be issued by the court for the
26 arrest of the person complained against, unless if it appears
27 from the contents of the complaint and the examination of the
28 complainant or other witnesses, if any, that (i) the person
29 against whom the complaint was made has committed an offense
30 and (ii) there is sufficient identifying information to
31 distinguish the person who is the subject of the warrant from
32 other persons of the same sex, race, and description.

1 (d) The warrant of arrest shall:

2 (1) Be in writing;

3 (2) Specify the name, sex, and birth date, and any
4 other physical descriptors or numerical identifiers of
5 the person to be arrested or if his name, sex or birth
6 date is unknown, shall designate such person by any name
7 or description by which he can be identified with
8 reasonable certainty;

9 (3) Set forth the nature of the offense;

10 (4) State the date when issued and the municipality
11 or county where issued;

12 (5) Be signed by the judge of the court with the
13 title of his office;

14 (6) Command that the person against whom the
15 complaint was made be arrested and brought before the
16 court issuing the warrant or if he is absent or unable to
17 act before the nearest or most accessible court in the
18 same county;

19 (7) Specify the amount of bail; and

20 (8) Specify any geographical limitation placed on
21 the execution of the warrant, but such limitation shall
22 not be expressed in mileage. Except in Cook County,
23 arrest warrants issued after the effective date of this
24 amendatory Act of the 92nd General Assembly that contain
25 a geographical limitation, established in each county,
26 must be signed in the immediate area of the geographical
27 limitation by the States' Attorney and by the judge of
28 the court with the title of his office. The judge's
29 signature required by this subsection is in addition to
30 the judge's signature required by paragraph (5) of this
31 subsection.

32 (e) The warrant shall be directed to all peace officers
33 in the State. It shall be executed by the peace officer, or
34 by a private person specially named therein, at any location

1 within the geographic limitation for execution placed on the
2 warrant. If no geographic limitation is placed on the
3 warrant, then it may be executed anywhere in the State.

4 (f) The warrant may be issued electronically or
5 electromagnetically by use of a facsimile transmission
6 machine and any such warrant shall have the same validity as
7 a written warrant.

8 (g) Except in Cook County, when the court issued any
9 arrest warrant, including but not limited to, (i) warrants
10 issued under this Section, (ii) warrants issued under Section
11 110-3 of this Act or Section 5-6-4 of the Unified Code of
12 Corrections, (iii) warrants upon indictment or matters of
13 body attachments, (iv) contempt warrants or warrants of a
14 similar nature, and (v) warrants of every other description,
15 the clerk of the court issuing the arrest warrant shall, on
16 the same day in which the arrest warrant is issued, transmit
17 the arrest warrant to the sheriff of the county. The sheriff
18 may delegate the responsibility for receiving warrants to
19 another law enforcement agency through an intergovernmental
20 agreement.

21 (h) Except in Cook County, sheriffs shall be solely
22 responsible for the service and execution of all arrest
23 warrants described in subsection (a). The sheriff may
24 delegate the responsibility for serving and executing those
25 warrants to another law enforcement agency through an
26 intergovernmental agreement.

27 (i) Except in Cook County, all sheriffs shall enter each
28 felony and Class A and B misdemeanor warrant described in
29 subsection (g) that is received from the clerk of the court
30 into the Law Enforcement Agencies Data System (LEADS) as soon
31 as possible after receiving the warrant. The warrant must be
32 entered into LEADS within 5 working days after receipt of the
33 warrant. A sheriff may delegate the responsibility for
34 entering warrants into LEADS to another law enforcement

1 agency through an intergovernmental agreement.

2 (Source: P.A. 86-298; 87-523.)

3 (725 ILCS 5/110-7) (from Ch. 38, par. 110-7)

4 Sec. 110-7. Deposit of Bail Security.

5 (a) The person for whom bail has been set shall execute
6 the bail bond and deposit with the clerk of the court before
7 which the proceeding is pending a sum of money equal to 10%
8 of the bail, but in no event shall such deposit be less than
9 \$25. The clerk of the court shall provide a space on each
10 form for a person other than the accused who has provided the
11 money for the posting of bail to so indicate and a space
12 signed by an accused who has executed the bail bond
13 indicating whether a person other than the accused has
14 provided the money for the posting of bail. The form shall
15 also include a written notice to such person who has provided
16 the defendant with the money for the posting of bail
17 indicating that the bail may be used to pay costs, attorney's
18 fees, fines, or other purposes authorized by the court and if
19 the defendant fails to comply with the conditions of the bail
20 bond, the court shall enter an order declaring the bail to be
21 forfeited. The written notice must be: (1) distinguishable
22 from the surrounding text; (2) in bold type or underscored;
23 and (3) in a type size at least 2 points larger than the
24 surrounding type. When a person for whom bail has been set
25 is charged with an offense under the "Illinois Controlled
26 Substances Act" which is a Class X felony, the court may
27 require the defendant to deposit a sum equal to 100% of the
28 bail. Where any person is charged with a forcible felony
29 while free on bail and is the subject of proceedings under
30 Section 109-3 of this Code the judge conducting the
31 preliminary examination may also conduct a hearing upon the
32 application of the State pursuant to the provisions of
33 Section 110-6 of this Code to increase or revoke the bail for

1 that person's prior alleged offense.

2 (b) Upon depositing this sum and any bond fee authorized
3 by law, the person shall be released from custody subject to
4 the conditions of the bail bond.

5 (c) Once bail has been given and a charge is pending or
6 is thereafter filed in or transferred to a court of competent
7 jurisdiction the latter court shall continue the original
8 bail in that court subject to the provisions of Section 110-6
9 of this Code.

10 (d) After conviction the court may order that the
11 original bail stand as bail pending appeal or deny, increase
12 or reduce bail subject to the provisions of Section 110-6.2.

13 (e) After the entry of an order by the trial court
14 allowing or denying bail pending appeal either party may
15 apply to the reviewing court having jurisdiction or to a
16 justice thereof sitting in vacation for an order increasing
17 or decreasing the amount of bail or allowing or denying bail
18 pending appeal subject to the provisions of Section 110-6.2.

19 (f) In Cook county, when the conditions of the bail bond
20 have been performed and the accused has been discharged from
21 all obligations in the cause the clerk of the court shall
22 return to the accused or to the defendant's designee by an
23 assignment executed at the time the bail amount is deposited,
24 unless the court orders otherwise, 90% of the sum which had
25 been deposited and shall retain as bail bond costs 10% of the
26 amount deposited. However, in no event shall the amount
27 retained by the clerk as bail bond costs be less than \$5.
28 Bail bond deposited by or on behalf of a defendant in one
29 case may be used, in the court's discretion, to satisfy
30 financial obligations of that same defendant incurred in a
31 different case due to a fine, court costs, restitution or
32 fees of the defendant's attorney of record. The court shall
33 not order bail bond deposited by or on behalf of a defendant
34 in one case to be used to satisfy financial obligations of

1 that same defendant in a different case until the bail bond
2 is first used to satisfy court costs in the case in which the
3 bail bond has been deposited.

4 At the request of the defendant the court may order such
5 90% of defendant's bail deposit, or whatever amount is
6 repayable to defendant from such deposit, to be paid to
7 defendant's attorney of record.

8 (f-5) In all counties except Cook county, when the
9 conditions of the bail bond have been performed and the
10 accused has been discharged from all obligations in the cause
11 the clerk of the court shall return to the accused or to the
12 defendant's designee by an assignment executed at the time
13 the bail amount is deposited, unless the court orders
14 otherwise, 80% of the sum which had been deposited; the clerk
15 of the court shall transfer to the county sheriff 10% of the
16 amount deposited for the Fugitive Expenditure Fund as
17 provided in Section 3-6019, and shall retain as bail bond
18 costs 10% of the amount deposited. However, in no event
19 shall the amount retained by the clerk as bail bond costs be
20 less than \$5. Bail bond deposited by or on behalf of a
21 defendant in one case may be used, in the court's discretion,
22 to satisfy financial obligations of that same defendant
23 incurred in a different case due to a fine, court costs,
24 restitution or fees of the defendant's attorney of record.
25 The court shall not order bail bond deposited by or on behalf
26 of a defendant in one case to be used to satisfy financial
27 obligations of that same defendant in a different case until
28 the bail bond is first used to satisfy court costs in the
29 case in which the bail bond has been deposited.

30 At the request of the defendant the court may order such
31 80% of defendant's bail deposit, or whatever amount is
32 repayable to defendant from such deposit, to be paid to
33 defendant's attorney of record. The 10% of the bail deposit
34 transferred to the county Sheriff Fugitive Expenditure Fund

1 as set forth in this Section shall have priority and
2 precedence in payment to the defendant's attorney of record.

3 (g) If the accused does not comply with the conditions
4 of the bail bond the court having jurisdiction shall enter an
5 order declaring the bail to be forfeited. Notice of such
6 order of forfeiture shall be mailed forthwith to the accused
7 at his last known address. If the accused does not appear
8 and surrender to the court having jurisdiction within 30 days
9 from the date of the forfeiture or within such period satisfy
10 the court that appearance and surrender by the accused is
11 impossible and without his fault the court shall enter
12 judgment for the State if the charge for which the bond was
13 given was a felony or misdemeanor, or if the charge was
14 quasi-criminal or traffic, judgment for the political
15 subdivision of the State which prosecuted the case, against
16 the accused for the amount of the bail and costs of the court
17 proceedings; however, in counties with a population of less
18 than 3,000,000, instead of the court entering a judgment for
19 the full amount of the bond the court may, in its discretion,
20 enter judgment for the cash deposit on the bond, less costs,
21 retain the deposit for further disposition or, if a cash bond
22 was posted for failure to appear in a matter involving
23 enforcement of child support or maintenance, the amount of
24 the cash deposit on the bond, less outstanding costs, may be
25 awarded to the person or entity to whom the child support or
26 maintenance is due. The deposit made in accordance with
27 paragraph (a) shall be applied to the payment of costs. If
28 judgment is entered and any amount of such deposit remains
29 after the payment of costs it shall be applied to payment of
30 the judgment and transferred to the treasury of the municipal
31 corporation wherein the bond was taken if the offense was a
32 violation of any penal ordinance of a political subdivision
33 of this State, or to the treasury of the county wherein the
34 bond was taken if the offense was a violation of any penal

1 statute of this State. The balance of the judgment may be
2 enforced and collected in the same manner as a judgment
3 entered in a civil action.

4 (h) After a judgment for a fine and court costs or
5 either is entered in the prosecution of a cause in which a
6 deposit had been made in accordance with paragraph (a) the
7 balance of such deposit, after deduction of bail bond costs,
8 shall be applied to the payment of the judgment.

9 (Source: P.A. 91-94, eff. 1-1-00; 91-183, eff. 1-1-00;
10 revised 10-7-99.)

11 Section 99. Effective date. This Act takes effect upon
12 becoming law.